
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

In Re: the Complaint and Petition of the United States of America in a Cause for Exoneration from or Limitation of Liability with Respect to National Park Service and Public Vessels Buoy Tender No. 450, No. 257, No. 2510, No. 256, No. 2511, and No. 290 Re: the Grounding of a 21' Speedboat in or near Bullfrog Bay on Lake Powell, Utah, on July 24, 2016.

ORDER RESTRAINING SUITS AND DIRECTING ISSUANCE OF NOTICE

Case No. 4:18-cv-00065-DN

District Judge David Nuffer

A Complaint has been filed by the United States of America, as owner of the National Park Service (“NPS”) Public Vessels Buoy Tender No. 450, No. 257, No. 2510, No. 256, No. 2511, and No. 290, seeking exoneration from or limitation of liability for any and all losses, injuries or damages occasioned or incurred by or in any way consequent of the incident involving the grounding of a speedboat on July 24, 2016, on Lake Powell near Bullfrog Bay, and for certain other relief.¹ The Complaint states the facts and circumstances upon which said exoneration and limitation are claimed, and that the claims that have been made or may be made against Plaintiff are in amounts which will exceed the value of Plaintiff's interest in NPS Public Vessels Buoy Tender No. 450, No. 257, No. 2510, No. 256, No. 2511, and No. 290, for the alleged injuries, damages, or losses said to have been occasioned or incurred in consequence of the aforesaid incident.²

¹ Complaint of the United States in a Cause for Exoneration from or Limitation of Liability, [docket no. 2](#), filed Sept. 26, 2018.

² *Id.* ¶¶ 7-26;

Plaintiff is exempted by reason of 28 U.S.C. § 2408 from giving security for damages or costs herein, and thereby exempted from furnishing bonds or stipulation for value or any other security in these proceedings.³

Based on the motion⁴ of Plaintiff, and good cause appearing therefore;

IT IS HEREBY ORDERED that Plaintiff's motion⁵ is GRANTED. The Clerk of this Court is directed to issue a notice to all persons or entities asserting claims or suits with respect to which the Complaint seeks exoneration from or limitation of liability, admonishing them, in accordance with Rule F(5) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Fed.R.Civ.P., to file their respective claims and answers to the Complaint, if any, with the Clerk of this Court, in writing, and to serve on the attorneys for Plaintiff a copy thereof, on or before November 16, 2018, or be defaulted.

IT IS FURTHER ORDERED that the aforesaid notice shall be published in the *Salt Lake Tribune*, a newspaper with general circulation within the State of Utah, and that such notice shall be published once a week for four (4) successive weeks prior to the date fixed for the filing of claims; and it is further;

IT IS FURTHER ORDERED that not later than the date of the second publication of said notice Plaintiff shall mail a copy of said notice and complaint to every person of concern or their counsel, if any, known to have made any claim against NPS Public Vessels Buoy Tender No. 450, No. 257, No. 2510, No. 256, No. 2511, and No. 290 or Plaintiff arising out of the incident from which the claims sought to be limited arose.

³ 28 U.S.C. § 2408; 46 U.S.C. § 30505 *et seq.*

⁴ Application for Order Directing Issuance of Notice and Publication Thereof, and Restraining Order (Rule F(3) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Fed. R. Civ. P.), docket no. 4, filed Sept. 26, 2018.

⁵ *Id.*

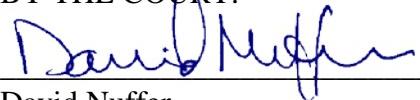
IT IS FURTHER ORDERED that the continued prosecution of any and all suits, actions or proceedings which may have already begun against the Plaintiff in any Court whatsoever to recover damages arising out of, occasioned by, or consequent upon the aforesaid collision and the institution or prosecution of any suits, actions or legal proceedings of any nature or description whatsoever in any Court, except in this proceeding for exoneration from or limitation of liability, against Plaintiff in respect of any claim or claims arising out of the aforesaid incident, or otherwise subject to limitation in this proceeding, be and they hereby are stayed and restrained until the hearing and determination of this action.

IT IS FURTHER ORDERED that service of this Order as a Restraining Order shall be made within this District in the usual manner and in any other District of the United States by the United States Marshal for such District or such other authorized persons by delivering or mailing a certified copy of this Order to the person or persons, or entity or entities, to be restrained, or to their respective attorneys or representatives.

IT IS FURTHER ORDERED that the publication and mailing of copies of the Notice to Claimants, required by Rule F(4), Supplemental Rules for Certain Admiralty and Maritime Claims, shall constitute due notice to all persons asserting claims with respect to which said complaint seeks limitation.

Dated September 28, 2018.

BY THE COURT:



David Nuffer
United States District Judge